

## REMARKS

The Office Action rejects the pending claims (1, 9, 10, 15, 17, 19-21, 24, 25, 30, 33, 38, 39 and 41) under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 5,472,441 by Edwards et al. In response, Applicant has amended the claims to more clearly distinguish the present invention from Edwards.

Amended claim 1 now recites inserting a hollow core needle, guiding the needle with a non-invasive imaging technique to a desired volume of tissue, injecting an electrically conductive substance in the form of gel or microspheres, determining that the substance has penetrated the volume of target tissue, and then applying RF energy to ablate the volume of tissue.

This is different from the method taught by Edwards. Edwards does not teach the use of a gel or microspheres for conducting applied RF energy to a specified volume for ablating tissue: (1) Edwards does not mention a gel. (2) Edwards' proposed use of microspheres is described at col. 16, lines 29-67. The RF energy described by Edwards in relation to use of microspheres at lines 43-44 is for burning off a coating 104 that is placed over a perforated metal sphere, thereby allowing a treatment substance within the sphere to escape through the perforations and into the body tissue. The RF energy in the microsphere embodiment of Edwards is not used to ablate the tissue as described in amended claim 1. Applicant therefore believes amended claim 1 now distinguishes over Edwards.

Amended claim 1 further distinguishes over Edwards by specifying that the injected electrically conductive substance (gel or microspheres) serve as an electrode extension for tissue ablation. This provides the ability to ablate a controlled, localized portion of tissue in a manner that is not taught or suggested by Edwards.

The remaining claims are dependent and add further limitations to claim 1, and are therefore also believed to be allowable.

## CONCLUSION

Applicant has amended the claims in order to distinguish the present invention from the cited prior art, and believes the claims are now in condition for allowance. If any further questions should arise prior to a Notice of Allowance, the Examiner is invited to contact the attorney at the number set forth below.

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Respectfully submitted,



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I certify that the enclosed papers are being deposited with the U. S. Postal Service as "Express Mail Post Office to Addressee", Express Mail Label No. EV382013995US, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22202-3514 on May 19, 2004, by Diana Dearing.

